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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/090, 035 06/10/98 HAUPT

M PHD:97-074

EXAMINER

TM02/0730

U S PHILIPS CORPORATION
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TARRYTOWN NY 10591

KUPSTAS, T

| ART UNIT | PAPER NUMBER |
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2153

DATE MAILED:

19

07/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

| | | |
|------------------------------|--------------------------------------|------------------------------------|
| Office Action Summary | Application No. 09/090,035 | Applicant(s) Haupt et al |
| | Examiner Tod Kupstas | Art Unit 2153 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Jun 5, 2001

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1 and 3-18 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1 and 3-18 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892)
 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) Interview Summary (PTO-413) Paper No(s). _____
 19) Notice of Informal Patent Application (PTO-152)
 20) Other: _____

Art Unit: 2153

DETAILED ACTION

Continued Prosecution Application

1. The request filed on 5/7/2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/090,035 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-6, 9, and 11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shindo (GB 2296811).

As set forth in claim 1, Shindo discloses a changer apparatus for information discs, comprising a stacking unit for stacking at least two information discs in respective stacking positions (elements 12), a read/write unit (17) for reading information stored on the information discs and/or writing information on the information discs in a play position, an eject position at which an information disc can be removed from the apparatus (access position 23) and, transport means for transport of the information discs from the eject position into a loading position of the

Art Unit: 2153

stacking unit along a curve-shaped loading path (see fig. 1). Shindo does not disclose having the play position between the eject position and the loading position (it is unclear as to whether or not the tray 12 can rotate directly to the player or has to go through the loading position; see col. 6, lines 13-26, and page 7, line 22 col. 9, line 14. It would have been obvious to a person of ordinary skill in the art at the time this invention was made to have provided the disk player of Shindo with a play position between the eject and loading position. The rationale is as follows: It would have been desirable to have immediately accessed the disk player without waiting for an intermediate position thereby saving time. One of ordinary skill would have been motivated by the desire to immediately access the disk player to reproduce disks to have provided the play position between the eject position and the loading position in the disk player of Shindo, thereby having provided an alternative arrangement to the current layout where one would merely switch the locations of the loading position and the disk player thereby providing immediate access to the disk player.

As set forth in claim 3, Shindo discloses a apparatus wherein the play position is offset from the direct connecting line between the loading position and the eject position (see fig. 1).

As set forth in claim 4, Shindo discloses a apparatus characterized wherein the play position is disposed on the loading path (see fig. 1, the loading path can be construed to mean from the disk player to the loading position).

As set forth in claim 5, Shindo discloses a apparatus further comprising a first transport mechanism for transporting the information discs between the eject position, the play position and the loading position, and a second transport mechanism for transport of the information discs into

Art Unit: 2153

the stacking positions of the stacking unit, the first transport mechanism being adapted to move the information discs from the loading position in the loading plane and the second transport mechanism being adapted to move the information discs in a stacking direction oriented vertically with respect to the loading plane (pin 21 moves the stacking unit vertically).

As set forth in claim 6, Shindo discloses an apparatus wherein the first transport mechanism comprises at least a first and a second guide for the disc edge of the information disc (tray mechanism), which guide is grooved and is movable in the loading plane, the second guide comprising at least one rotationally drivable transport wheel (disc tray driver 30).

As set forth in claim 9, Shindo discloses a apparatus wherein the read/write unit is movably supported on a chassis plate of the apparatus (disc play apparatus 17).

As set forth in claim 11, Shindo discloses an apparatus characterized wherein the read/write unit is movable into the play position in the vertical direction (see fig. 4).

4. Claims 7, 8, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shindo (GB 2296811) in view of Umesaki (GB 0391424).

Shindo does not disclose the guide mechanism as claimed, however an analogous guide mechanism is employed, including a first passive guide and the third guide. In particular the usage of guide arms is not employed. As set forth in claims 7 and 12, it would have been obvious to have utilized arm guides for the transport of the disk. Umesaki discloses the usage of guide arms in the loading of the disk. It would have been obvious to one of ordinary skill in the art to have

Art Unit: 2153

provided guide arms for the loading of disks, as taught by Umesaki, to the disk player as taught by Shindo. The rationale is as follows: It would have been desirable to have provided means for guiding the disk. As Umesaki teaches the desirability of using arms, one of ordinary skill would have been motivated by Umesaki's teaching to have provided arms to the disk player, as taught by Shindo, thereby having provided art equivalent means for guiding the disk into the reproduction and loading positions.

As set forth in claim 8, Shindo discloses an apparatus wherein the first and third guide are mounted on a common pivot (see fig. 1, the pivot of the structure).

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shindo in view of Nakamichi et al (US 5,508,994).

As set forth in claim 10, Shindo discloses a changer apparatus characterized in that it has a read/write unit (17). Shindo does not explicitly disclose related clamps and dampers. As set forth in claim 10, Nakamichi et al disclose a changer apparatus characterized in that the read/write unit comprises a base plate and a laser mounting plate, the base plate and the laser mounting plate are coupled by means of dampers, the base plate is slidably mounted on the chassis plate, and the laser mounting plate carries a clamping device for clamping the information in the play position and an optical unit for reading information stored on the information disc; see col. 7, lines 28-54.

It would have been obvious to a person of ordinary skill in the art at the time this invention was made to have provided the disk player, as taught by Shindo, with the clamps and dampers, as taught by Nakamichi et al. The rationale is as follows: It would have been desirable to have

Art Unit: 2153

provided means for reproducing the discs clearly. As Nakamichi et al teach the desirability of utilizing disk clamps and dampers, one of ordinary skill would have been motivated by Nakamichi et al's teaching to have provided the disk player, as taught by Shindo, with dampers and clamps, thereby having provided secure means for reproducing the disks. comprises a base plate and a laser mounting plate, the base plate and the laser mounting plate are coupled by means of dampers, the base plate is slidably mounted on the chassis plate, and the laser mounting plate carries a clamping device for clamping the information disc in the play position and an optical unit for reading information stored on the information disc.

6. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shindo in view of Clarion (Japanese document 6-13193).

As set forth in claims 13-17, Shindo does not disclose spindles. As set forth in claim 13, Clarion discloses screwthreads (element 4 and 5) wherein the holder compartments are movable into a vertical direction by rotation of the spindles, there have been provided an upper stacking zone and a lower stacking zone of the stacking unit for stacking the holder compartment the loading position has been provided in a central zone between the upper and the lower stacking zone, one of the holder compartments is each time movable into the loading position by rotation of the spindles, and the transport means are adapted to move the information disc from the holder compartment, which is in the loading position, into the play position and into the eject position. As set forth in claim 14, Clarion discloses a changer apparatus wherein the axial direction of the spindles the central zone has spacing zones at both sides of the loading position, which spacing

Art Unit: 2153

zones define an axial spacing between the holder compartment in its loading position and the axially adjacent holder compartments in their stacking positions; see fig. 5. As set forth in claim 15, Clarion discloses a changer apparatus wherein the average screwthread pitch of the spindles in the loading position is smaller than the average screwthread pitch in the upper and lower stacking zone; see fig. 5. As set forth in claim 16, Clarion discloses a changer apparatus wherein the screwthread pitch of the spindles in the loading position is essentially zero; see fig. 5. As set forth in claim 17, Clarion discloses a changer apparatus wherein the average screwthread pitch in the spacing zones is greater than the average screwthread pitch in the upper and the lower stacking zone; see fig. 5. It would have been obvious to a person of ordinary skill in the art at the time this invention was made to have provided the spindle mechanism for vertical movement, as taught by Clarion, with the disk player, as taught by Shindo. The rationale is as follows: it would have been desirable to have provided accurate and efficient means for raising the disc storage position. As Clarion teaches the desirability of using the spindle mechanism, one of ordinary skill would have been motivated by Clarion's teaching to have provided the disc player, as taught by Shindo, with the spindle mechanism, thereby having provided an efficient art alternative method of raising and manipulating the disk storage area.

Official notice is taken regarding claim 18, with regards to having a lower and an upper guide pin for guiding the information discs into the holder compartments of the stacking unit, which guide pins are engageable into the center holes of the information discs from above and from below respectively. It would have been obvious to a person of ordinary skill in the art at the

Art Unit: 2153

time this invention was made to have provided the disk player, as taught by Shindo, with guide pins. The rationale is as follows: It would have been desirable to have provided means for securing the disks in their respective holders. As the utilization of guide pins for securing disks is of old and notorious use in the art. One of ordinary skill in the art would have been motivated to have provided the guide pins in the disk player as taught by Shindo, thereby providing secure means for containing the disks within their respective compartments.

Response to Arguments

7. Applicant's arguments filed 6/5/2001 have been fully considered but they are not persuasive.

In response to the amendment the examiner has provided a 103 rejection in view of Shindo in order to address the location of the disk player and storage area. This rejection is address *supra*.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod Kupstas whose telephone number is (703) 305-2655.

Art Unit: 2153

The fax phone number for this art unit is (703) 308-7201. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 305-3900.

Tod Kupstas



July 25, 2001



Dung C. Dinh
Primary Examiner